

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-1300-2022.

Date of Decision: 06.05.2022

Chand

....Petitioner

Versus

State of U.T. Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. K.S.Sidhu, Advocate for petitioner.

Mr. Viranjeet Singh Mahal, Additional Public Prosecutor,
U.T., Chandigarh.

Lalit Batra, J.(Oral)

Present second petition under Section 439 Cr.P.C has been moved by petitioner-**Chand** for grant of regular bail in case FIR No.109 dated 22.07.2020 under Sections 307 and 506 IPC read with Section 34 IPC, registered at Police Station Maloya, Chandigarh.

In compliance of order dated 06.04.2022, status report dated 02.05.2022 has been received from Trial Court, in terms of which, testimonies of complainant/injured-Sunny Chauhan and other material witnesses have been recorded.

Learned counsel for the petitioner *inter alia* contends that allegedly on 20.07.2020 at about 9:00 PM in the area of Maloya, petitioner alongwith co-accused while armed with deadly weapons inflicted injury on the head of complainant-Sunny Chauhan, which injury has been declared

'grievous in nature' and thereby they attempted to commit murder of said Sunny Chauhan. He further submits that allegations levelled against the petitioner are altogether false and frivolous and there is no iota of truth therein. He further submits that petitioner is languishing in custody since 22.07.2020 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. He further submits that testimonies of complainant/injured-Sunny Chauhan and other material witnesses have already been recorded. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned counsel for respondent-U.T., Chandigarh, while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail. He further submits that testimony of complainant/injured-Sunny Chauhan has already been recorded by the Trial Court on 26.04.2022.

I have heard learned counsel for the parties and have carefully gone through the record of the case.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 22.07.2020; that

after commencement of trial, testimonies of material prosecution witnesses including complainant/victim-Sunny Chauhan have already been recorded and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Chand** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Chandigarh, as the case may be.

06.05.2022*VP/jitender***(LALIT BATRA)
JUDGE**

Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No